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February 16, 2023

VIA ECF

Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, N.Y. 10007-1312

Re: Shawn Stewart v. Stephanie Davis, et. al.,
22-CV-03583 (AT)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing third-party defendant City of New York in the above-referenced action. Defendant writes to respectfully request that the Court stay the instant matter until May 8th, 2023 because the undersigned has been selected for jury duty. Plaintiff Shawn Stewart's counsel does not consent to this request and third party plaintiffs Stephanie Davis and Brian Hirschman's counsel takes no position.

By way of background, plaintiff Stewart alleges that on September 25, 2019, at approximately 2:00 p.m., third-party plaintiffs Davis and Hirschman accosted plaintiff on the 16th floor of 140 Alcott Place, Building E, Bronx, N.Y. by asking him intrusive questions, and that third-party plaintiffs Davis and Hirschman fastened handcuffs on plaintiff Stewart. Plaintiff Stewart further alleges that other individuals informed the officers about plaintiff Stewart's legitimate presence in the building but that the officers kept plaintiff in handcuffs for approximately half an hour. Plaintiff Stewart brings claims against third-party plaintiffs Davis and Hirschman for, *inter alia*, excessive force and false arrest.

On February 9, 2023, the undersigned was selected for grand jury duty and, upon information and belief, will be engaged for three months – from February 14th, 2023 to May 5th, 2023. I am expected to be in Court every day during this time period, during the majority of the work day on most days, and will have limited access to my email.

City Defendants respectfully submit that plaintiff will not be prejudiced in any way if Your Honor is inclined to grant this request. The complaint in this case was filed on May 3, 2022. *See*

Civil Docket ¶ 1. Third-party plaintiffs Davis and Hirschman's answer was filed on December 6, 2022. *See* Civil Docket ¶ 24. Third-party defendant filed its answer on January 3, 2023. *See* Civil Docket ¶ 31. Since this is a Plan case, defendants respectfully submit that the only deadline implicated by this request is the Plan mediation that will need to be re-scheduled for a new date. Upon information and belief, there are no statute of limitations concerns.

As such, defendants respectfully request that the Court stay the instant matter until May 8th, 2023.¹ Thank you for your consideration herein.

Respectfully submitted,



Felix De Jesus
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **VIA ECF**
All attorneys of record

DENIED.

SO ORDERED.

Dated: February 22, 2023
New York, New York



ANALISA TORRES
United States District Judge